

Improper Finality of Office Action

Applicants respectfully request that the Examiner withdraw the Finality of the Office Action mailed November 29, 2003 because the Finality was premature according to the guidelines of the Manual of Patent Examination Procedure (“MPEP”). In the Office Action, the Examiner rejected claims 1 and 5, which had not been amended, in view of a newly applied reference, Murakami et al. (US 2002/0050385). The Examiner’s position (as expressed in the telephone Interview) is that the Finality is proper due to the addition of new claims 10 and 11. This position, however, is contrary to the express instructions of MPEP 706.07(a), which clearly prohibits an Examiner from making a rejection Final when a newly cited reference is used in the rejection of any unamended claim, even if other claims may have been amended.¹ As such, Applicants respectfully request that the Examiner withdraw the Finality of the Office Action.

Claim Rejections 35 U.S.C. § 103

Martin in view of Wilcox

Claims 1, 2, 5, and 6 are once again rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. 3,143,595 to Martin (“Martin”) in view of U.S. 6,261,137 to Wilcox

¹ MPEP 706.07(a) states, in pertinent part:

Furthermore, a second or any subsequent action on the merits in any application or patent undergoing reexamination proceedings will not be made final if it includes a rejection, on newly cited art, other than information submitted in an information disclosure statement filed under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p), of any claim not amended by applicant or patent owner in spite of the fact that other claims may have been amended to require newly cited art (emphasis added).

(“Wilcox”). Applicants respectfully request that the Examiner withdraw the rejection at least because the combination of Martin and Wilcox does not meet all of the recitations of the claims.

With respect to claim 1, the Examiner acknowledges that Martin does not specifically disclose that the “wire connection portion is pressed radially uniformly over an entire periphery thereof.” The Examiner therefore looks to Wilcox in an attempt to meet this feature.

It appears, however, that the Examiner is misconstruing and/or misapplying the teachings of Wilcox. Wilcox shows a conductor connection system in which the conductors 200, 205 within the connector 100 are crimped by using a splicing tool to compress upper region 125 and lower region 130 together (see col. 3, lines 34-49 and Figs. 3-5). There is however, no teaching or suggestion that the connector 100 is pressed radially uniformly over entire periphery of the connector. In fact, the crimping force is not applied radially uniformly, or with a uniform force toward the center of the wire, since the upper region 125 and the lower region 130 of the connector 100 are the compressed portions of the connector, while the middle regions 135 are not themselves compressed radially inwardly. These middle regions 135 are instead merely flattened by the compression of regions 125 and 130. A connector, if it were to use this type of peripheral compression, would not provide the claimed intimate contact between “the conductor portion and the insulating sheath” and “the inner peripheral surface of the wire connection portion”.

In the Response to Arguments section of the Office Action mailed November 29, 2003, the Examiner asserted, with respect to Wilcox, that “[i]f the connector of Wilcox as shown in Fig. 4 was not radially and uniformly pressed, then the central bore (115) would not have a

uniform reduced diameter. It appears that the Examiner is basing this position on the reduction in the diameter of the central bore 115 between Fig. 4 and Fig. 5.

The Examiner, however, is mistaken that this central bore diameter is reduced uniformly since the vertical dimension of the central bore 115 is reduced by a larger amount than the horizontal diameter in the central bore (*see* Figs. 4 and 5). This is because the crimping force is not applied “radially uniformly,” or with a uniform force toward the center of the wire, but instead the upper region 125 and the lower region 130 of the connector 100 are the only portions of the connector that are compressed.

Therefore, Applicants request that the Examiner withdraw the rejection of claim 1 for the reasons discussed above, and request that the Examiner withdraw the rejection of claim 2 at least because of its dependency from claim 1. In addition, Applicants request that the Examiner withdraw the rejection of method claim 5 at least because the combination of Martin and Wilcox do not teach or suggest the step of “pressing radially uniformly the wire connection portion over an entire periphery thereof,” as is discussed above with respect to claim 1. Applicants also request that the Examiner withdraw the rejection of Claim 6 at least because of its dependency from claim 5.

Reimert

Claims 3, 4, 7, and 8 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Martin in view of Wilcox and further in view of U.S. 4,830,408 to Reimert (“Reimert”). Applicants request that the Examiner withdraw this rejection at least because of the

claims' dependency from claim 1 or claim 5 and because Reimert does not cure the deficiency in the combination of Martin and Wilcox discussed above.

Churchill

Claim 9 is rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Martin in view of Wilcox, and further in view of U.S. 3,934,333 to Churchill ("Churchill"). Applicants respectfully request that the Examiner withdraw the rejection at least because of the claim's dependency from claim 5 and because Churchill does not cure the deficiency in the combination of Martin and Wilcox discussed above.

Murakami

Claims 1, 5, and 9-11 are rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Murakami et al. (US 2002/0050385- filed on October 12, 2001. Applicants have filed, concurrently with this Amendment, a Submission of Verified Translation of Priority Document in order to perfect the claim for foreign priority. In view of the Verified Translation, the priority date of the present Application (January 1, 2001) is before the filing date of Murakami (October 12, 2001). Therefore, Applicants respectfully request that the Examiner withdraw this rejection of claims 1, 5, and 9-11.

Conclusion

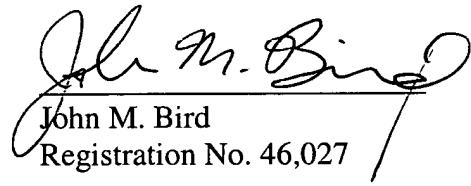
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.116
Appln. No. 10/046,710

Docket No. Q68136
Group Art Unit 2831

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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